

Senator Piner moved to lay the amendment on the table.

Carried.

Senator Ledbetter offered the following amendment:

Amend Section 5 by adding the following: "*Provided*, that the counties of Fayette, Bastrop and Lee shall be exempted from the operation of this act."

Lost.

Senator Ball offered the following amendment:

In Section 1, line 11, strike out all after the word, "liquors," to the word, "shall," in line 12.

Senator Henry of Cass moved the previous question on the amendment and the engrossment of the bill.

Question seconded, and the main question ordered by the following vote:

YEAS—Senators Blassingame, Carroll, Francis, Henry J. R., Henry F. M., Hobby, McCormick, Moore, Motley, Piner, Stephens, Storey, Thompson—13.

NAYS—Senators Ball, Brown, Douglass, Ford, Ledbetter, Martin, McLeary, McCulloch, Terrell, Wortham—10.

NOT VOTING—Senator Guy—1.

Senator Ball's amendment was lost by the following vote:

YEAS—Senators Ball, Brown, Douglass, Ford, Ledbetter, McLeary, McCulloch, Terrell—8.

NAYS—Senators Blassingame, Carroll, Francis, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, Moore, Motley, Piner, Stephens, Storey, Thompson, Wortham—16.

The bill ordered engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Francis, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, Moore, Motley, Piner, Stephens, Storey, Thompson, Wortham—18.

NAYS—Senators Brown, Ford, Ledbetter, McLeary, McCulloch, Terrell—6.

Senator Storey, by leave, introduced a bill entitled, "An Act making an appropriation to defray the expenses of the government for the fiscal years ending August 31, 1877, August 31, 1878, and to supply a deficiency in the appropriation for the fiscal year ending August 31, 1876."

Read by caption, and referred to the Committee on Finance.

On motion of Senator Francis, the Senate adjourned until to-morrow morning at 9 o'clock.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 20, 1876. }

Senate met pursuant to adjournment. President *pro tempore* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Henry of Limestone, from the Committee on Stock and Stock Raising, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 276, "An Act to amend 'An Act to adopt and establish

a penal code for the State of Texas,' approved August 26, 1856," have had the same under consideration, and I am instructed to report the same back to the Senate, and recommend its passage.

J. R. HENRY, *Chairman pro tem.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 244, "An Act to amend the first section of 'An Act for the protection of the wool-growing interest of the State,' approved May 2, 1874," have had the same under consideration, and report it back to the Senate, and recommend that it do pass.

J. R. HENRY, *Chairman pro tem.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers," have had the same under consideration, and report it back to the Senate, with the recommendation that it do pass, with the following amendments:

In Section 29, line 41, after the word, "State," add the words, "and should any owner or owners designate a point on the border of the State where there are no settlements or organized counties, such owner or owners shall have his herd inspected in the last organized county through which he drives."

Add the following as an additional section:

"SEC. —. It shall be unlawful for any agent of any railroad, steamship or shipping company of any kind to receive for shipment any cattle unless they have been duly inspected under the provisions of this act; and it shall be the duty of such agent to examine the lists of marks and brands before he receives them for shipment. And should any cattle be in the herd not inspected, as provided in this act, such agent shall not receive such animal or animals for shipment. Should any agent or agents violate the provisions of this act, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five nor more than one thousand dollars for each animal so shipped."

J. R. HENRY, *Chairman.*

On motion of Senator Henry, 100 copies of the bill and report of committee, with amendments, were ordered printed.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 178, "An Act to establish an intermediate Court of Appeals, have instructed me to report the bill back to the Senate and recommend that it do pass.

HOBBY, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 268, "An Act in relation to vacancies in the office of Constable," have instructed me to report the bill back with the accompanying substitute therefor, and recommend the passage of the substitute.

HOBBY, *Chairman.*

The caption of the substitute is as follows: "An Act to provide for the filling of vacancies in the office of Constable."

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 245, "An Act to encourage mining and prospecting for minerals," have considered the same, and instruct me to report the bill back to the Senate and recommend that it do not pass. *HOBBY, Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate resolution, "requesting an opinion as to the power of the Legislature to amend the charter of a railroad company by special law," have instructed me to ask for further time to consider the question.

HOBBY, Chairman.

Adopted.

Senator Ledbetter, from Judiciary Committee No. 1, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was recommitted Senate Bill No. 140, "An Act to provide for filling vacancies in the office of District Clerks and Constables," have had the same again under consideration, and the committee herewith present a substitute for the original bill, and recommend that the substitute do pass.

LEDBETTER, for Committee.

The caption of the substitute is as follows:

"An Act to provide for filling vacancies in the offices of District Clerks and Constables."

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 62, entitled, "An Act to provide for the compensation of special Judges," have had the same under consideration, and beg leave to report it back and recommend that it do not pass, for the reason that the substance of said bill is contained in an act heretofore passed by the Senate.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 191, entitled, "An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the Justices' Courts, to the several Justices' Courts of the State," have had the same under consideration, and beg leave to report it back and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committees Nos. 1 and 2, to whom was referred Senate Bill No. 11, "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," and amendments thereto, have had the same under consideration, and beg leave to report

it back with the following substitute, to-wit: "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas."

HOBBS, *Chairman Judiciary Committee No. 1.*

PINER, *Chairman Judiciary Committee No. 2.*

Senator Francis introduced a bill, entitled: "An Act to provide for the surveying and marking lines in certain cases, and to provide for the mode of punishment therefor."

Read by caption and referred to Judiciary Committee No. 2.

Senator Terrell introduced a bill, entitled: "An Act to amend Chapter 8, Title 20, of an act, entitled, 'An Act to establish a penal code for the State of Texas, and to provide for punishing robbery with confinement in the penitentiary for life.'"

Read by caption and referred to Judiciary Committee No. 1.

Senator Storey introduced a bill, entitled: "An Act to amend Section 7, of an act to incorporate the Austin and Pacific Short Line Railroad Company," passed May 30th, 1873.

Read by caption and referred to the Committee on Internal Improvements.

Senator McCulloch offered the following resolution:

Resolved, That hereafter the Senate will entertain no bill or act on any matter of a private or local character, until a code of laws in conformity with the new Constitution, and as much general business of the Legislature as possible, is disposed of, between this and the 17th proximo.

Lies over under the rules.

House Bill No. 236—"An Act to authorize the United States bonds, now in the Treasury to the credit of the permanent school fund to be disposed of, and the proceeds thereof invested in State bonds; likewise to invest in the same manner the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources," was referred by the President *pro tem.* to Committee on Finance.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared the following Senate bills, and find them correctly engrossed:

Senate Bill No. 53—"An Act to provide for the payment of witnesses and officers in certain criminal cases."

Senate Bill No. 94—"An Act to amend an act entitled, 'An Act to provide for the supplying of lost records in the several counties in this State,' approved April 14, 1874.

Senate Bill No. 58—"An Act to amend Section 2 of 'An Act defining the mode of conveying property in which the wife has an interest,'" passed April 30, 1846.

STEPHENS, *Chairman.*

The resolution of Senator McCulloch, "to prohibit Senators from leaving the Senate Chamber for more than fifteen minutes, without permission," was taken up, and on motion of Senator Crain, was referred to the Committee on Rules.

The resolution of Senator McCulloch, "requiring the Senate to meet at 9 o'clock A. M., on Monday next, and thereafter every day, and remain in session for four hours, and to meet every alternate day, Sundays excepted, at 4 o'clock P. M., during the session," was then taken up.

Senator Storey moved to strike out, "Monday next," and insert, "tomorrow," in lieu thereof.

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—18.

NAYS—Senators Brown, Crain, Motley, Terrell—4.

NOT VOTING—Senators Brady, Carroll, Douglass, Ford, Grace, McLeary—6.

Resolution withdrawn.

The President pro tem., after publicly reading their captions, signed House Bill No. 43, "An Act to permit the transfer of certain suits from one court to another."

House Bill No. 120—"An Act to fix the amount of jury fees in the District, County and Justices Courts."

House Joint Resolution No. 182—"To provide for the survey, condemnation and sale of certain property belonging to the State."

Senator Grace's resolution, "To prohibit members of the Senate from speaking over ten minutes without the consent of a majority of the Senators," was taken up, and Senator Ledbetter moved to refer it to the Committee on Stock and Stock Raising.

Senator Storey moved the previous question.

Carried, and the main question ordered.

The motion of Senator Ledbetter, to refer the resolution to the Committee on Stock and Stock Raising, was carried by the following vote:

YEAS—Senators Ball, Brown, Crain, Ford, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Ripetoe, Stephens, Terrell—13.

NAYS—Senators Blassingame, Douglass, Francis, Grace, Guy, Hobby, McCormick, Moore, Motley, Piner, Storey, Thompson—12.

NOT VOTING—Senators Brady, Carroll, Wortham—3.

Senator Storey, by leave, introduced a bill entitled: "An Act to authorize the Clerk of the Court of Appeals to appoint a deputy."

Read by caption and referred to Judiciary Committee No. 1.

On motion of Senator McLeary, the vote referring Senator Grace's resolution to Committee on Stock and Stock Raising, was reconsidered by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Francis, Ford, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCormick, Moore, Motley, Thompson—16.

NAYS—Senators Brady, Crain, Henry J. R., Hobby, McCulloch, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—11.

NOT VOTING—Senator Carroll—1.

The resolution was then lost.

Senator Piner, from Committee of Free Conference, on the part of the Senate, on Senate Bill No. 23, submitted the following report from said committee:

AUSTIN, TEXAS, June 20, 1876.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Free Conference appointed to confer with a like committee from the House on the differences existing between the two Houses upon Senate Bill No. 23, "An Act to provide for the appointment and to regulate the duties of Notaries Public," beg leave to report

that they have met the committee from the House of Representatives, and that the joint committee have agreed to report the following as a substitute for Section 13 of the bill.

PINER,
McCORMICK, } Committee.
GUY,

Substitute reported by Committee of Free Conference :

"SEC. 13. When the Governor of the State shall make appointments of Notaries Public, as required by Section 26, Article 4, of the Constitution, and said Notaries Public shall qualify, it shall be the duty of the Secretary of State to furnish to the Clerks of the County Court each a printed list of all the Notaries Public in the State so appointed and qualified; and upon any subsequent appointment of such Notaries Public, it shall likewise be the duty of said Secretary of State to furnish a like list to said Clerks; and it shall be the duty of the Clerk of the County Court to preserve said list in his office for public inspection, and post a copy thereof on the court-house door."

The report of the committee was adopted.

Substitute for House Bills Nos. 121 and 122, "An Act to amend Section 41, and to repeal Section 42 of an act entitled, 'An Act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856, approved February 15, 1858, and to repeal Section 960 of an act entitled, 'An Act supplementary to and amendatory of an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856, approved November 14, 1864," was taken up, read third time and passed.

House Bill No. 135, "An Act to make persons liable for damages to the owner for buying stolen property after nightfall," was taken up, read third time and passed.

Senate Bill No. 12, "An Act for the relief and support of the poor," was taken up, read third time and passed.

Senate Bill No. 38, "An Act to prevent a multiplicity of suits," was taken up, read third time and passed.

Senate Bill No. 53, "An Act to provide for the payment of witnesses and officers in certain criminal cases," was taken up, read third time and passed.

Senate Bill No. 58, "An Act to amend Section 2 of an act defining the mode of conveying property in which the wife has an interest," passed April 30, 1846, was taken up, read the third time and passed.

A message was received from the House, announcing that that body had adopted the report of the Committee of Free Conference on the disagreement of the two Houses on Senate Bill No. 23, "An Act to regulate the appointment and define the duties of Notaries Public; and also, that it had passed House Joint Resolution No. 325: "To authorize the Governor to make such endorsement on registered United States bonds as may be necessary to sell or transfer the same."

Senate Bill No. 66, "An Act to regulate the sale of property of minors and persons of unsound mind," with adverse report of committee, was taken up, report of committee adopted, and bill lost.

Senate Bill No. 65, "An Act to provide for the collection of fines and costs from persons convicted of misdemeanors," was taken up, and the report of the committee adopted; and, on motion of Senator Terrell, the further consideration of the bill was postponed until to-morrow.

Senate Bill No. 67, "An Act entitled 'An Act to amend an act regulating contested elections,'" approved May 18, 1873, was taken up, read the second time, and ordered engrossed.

On motion of Senator Terrell, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Ford, Henry F. M.—2.

NOT VOTING—Senators Brady, Carroll, Douglass, McLeary, Moore—5.

The bill was read the third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Douglass, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senators Ford, Henry F. M.—2.

NOT VOTING—Senators Brady, Carroll, McLeary, Moore—4.

On motion of Senator Terrell, the rules were suspended, and Senate Bill No. 193, "An Act to provide for settlements in certain cases with the Comptroller of Public Accounts by Sheriffs and other persons entrusted with the collection of taxes," was taken up, read second time and ordered engrossed.

Senate Bill No. 71, "An Act to be entitled, 'An Act for the relief of persons against whom have been adjudged fines, penalties and forfeitures, or who have paid money into the Treasury under the forms of law,'" with adverse report of the committee, was taken up, report of committee adopted and bill lost.

Senate Bill No. 76, "An Act to amend Section 2 of an act entitled, 'An Act to provide for the foreclosure of mortgages on real and personal estate,'" was taken up and read second time.

Senator Ball moved to strike out "3" and insert "2," so as to make it amendatory of Section 2 of the bill, instead of Section 3.

Adopted.

The report of committee, with amendments, adopted.

The Senate refused to engross the bill by the following vote:

YEAS—Senators Brown, Crain, Douglass, Ford, Grace, Henry J. R., Ledbetter, Piner, Stephens, Terrell, Thompson—11.

NAYS—Senators Ball, Blassingame, Brady, Francis, Guy, Henry F. M., Hobby, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Storey, Wortham—16.

NOT VOTING—Senator Carroll.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 110, "An Act to regulate the compensation of jurors in certain cases," was taken up, read second time and ordered engrossed.

House Bill No. 88, "An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in this State that may so elect; prescribing the mode of election, and affixing a punishment for its violation," being the special order of the day, was taken up and read third time.

Senator McLeary offered the following amendment:

Add to Section 1, "*and provided, further,* that nothing in this act contained shall be construed to prohibit the sale or giving away of native Texas wines, and malt liquors manufactured in this State."

On motion of Senator Douglass, laid on the table.

Senator McCormick in the chair.

Senator McLeary offered the following amendment:

In Section 4, line 4, strike out the words, "twelve months," and insert, "two years."

Lost by the following vote:

YEAS—Senators Ball, Brady, Brown, Crain, Ford, Ledbetter, Martin, McLeary, McCulloch, Ripetoe, Terrell—11.

NAYS—Senators Blassingame, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, McCormick, Moore, Motley, Piner, Stephens, Storey, Wortham—15.

NOT VOTING—Senators Carroll, Thompson—2.

Senator Crain offered the following amendment:

Amend Section 6 by striking out the words, "give away," in line 9.

Withdrawn.

Senator Terrell offered the following amendment:

Add to Section 3, "If a majority voting should vote 'for prohibition,' a special election may be had, after the expiration of twelve months, under the same circumstances that one would be authorized if a majority had voted 'against prohibition.'"

Senator Douglass moved to lay the amendment on the table.

Motion lost by the following vote:

YEAS—Senators Blassingame, Carroll, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Moore, Motley, Piner, Stephens, Wortham—13.

NAYS—Senators Ball, Brown, Crain, Francis, Ford, Ledbetter, Martin, McLeary, McCormick, McCulloch, Ripetoe, Storey, Terrell, Thompson—14.

NOT VOTING—Senator Brady—1.

Senator Terrell's amendment was then lost by the following vote (a two-thirds vote being necessary):

YEAS—Senators Ball, Brady, Brown, Crain, Francis, Grace, Ledbetter, Martin, McLeary, McCulloch, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Blassingame, Carroll, Douglass, Guy, Henry J. R., Henry F. M., Hobby, McCormick, Moore, Motley, Piner, Ripetoe, Wortham—13.

NOT VOTING—Senator Ford—1.

President *pro tempore* in the chair.

Senator Douglass offered the following amendment:

Amend Section 1, by adding the following to the end of the section: "Provided, further, that the provisions of this section shall apply to localities in which the sale of intoxicating liquors is prohibited by special laws."

Lost, by the following vote:

YEAS—Senator Ball, Blassingame, Brown, Crain, Douglass, Ledbetter, McLeary, Motley, Terrell, Wortham—10.

NAYS—Senators Carroll, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Thompson—15.

NOT VOTING—Senators Brady, Ford, Stephens—3.

Senator Crain offered the following amendment:

Amend Section 3, by adding thereto the following: "Provided, that the State and county occupation tax paid by any person within the

prohibited limits for the privilege of selling liquors be refunded to said person."

Senator Henry of Cass moved the previous question on the pending amendment, and the passage of the bill, which was seconded, and the main question ordered.

Senator Crain's amendment was then lost, by the following vote (a two-thirds vote being required):

YEAS—Senators Ball, Brady, Brown, Crain, Grace, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCulloch, Storey, Terrell, Thompson, Wortham—15.

NAYS—Senators Blassingame, Carroll, Douglass, Francis, Ford, Guy, Henry F. M., McCormick, Moore, Motley, Piner, Ripetoe, Stephens—13.

The bill then passed, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—20.

NAYS—Senators Brady, Brown, Crain, Ford, Ledbetter, McLeary, McCulloch, Terrell—8.

The President, after reading the caption, signed Senate Bill No. 26, "An Act to require the clerks of the District and County Courts of this State to provide and keep indexes and cross-indexes of the names of parties to all causes in their courts, and to provide a penalty for their failure to comply with the provisions of this act."

Senator McLeary offered the following resolution:

Resolved, That the Committee on Printing be instructed to enquire into the reason why the Spanish translation of the Governor's message has not yet been furnished the Senate, and to inform the Senate when the delivery of the same may be expected.

Adopted.

Senator Hobby, Chairman of Judiciary Committee No 1, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate resolution requesting the opinion of the committee as to "whether or not the Constitution permits the amendment of a railway company's charter by a special law," have considered the same, and I am instructed to say that it is the opinion of a majority of the committee that the charter of a railroad company, granted by a special law, may be amended by a special act, if notice of the intention to apply for such special act be given in accordance with law, in the locality where the matter or thing to be affected may be situated; and if the effect of the amendment is not to grant a new charter, or incorporate a railway company or other work of internal improvement.

HOBBY, *Chairman.*

Senator Carroll, Chairman of Committee on Comptroller's and Treasurer's Department, submitted the following report:

COMMITTEE ROOM, June 20, 1876.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Comptroller's and Treasurer's Department beg leave to report, that, in the discharge of their duties, they have examined, in conjunction with a like committee of the House, the books

in the office of the Comptroller and Treasurer, and find them in good condition, and the system pursued well adapted to the business of the Departments. We found the balances, as reported by the Comptroller, corresponding with the balance sheet of the Treasurer, embracing all business to the close of business hours, on the 14th inst., and we verified the same by an actual count of the funds and securities in the vault of the Treasury. We hereby attach to this report a copy of the balance sheet furnished by the Treasurer, and make it part of the same, to-wit:

STATEMENT SHOWING CASH BALANCES JUNE 15, 1876.

STYLE OF ACCOUNT.	CURRENCY.	SPECIE.
State revenue.....	\$87,450 67	\$371 45
Available school fund.....	53,617 65	1,272 61
Permanent school fund.....	348,280 41	15,827 39
County taxes.....	117,743 18	
University land sales.....	106,046 64	4,648 18
Lunatic Asylum land sales.....	240 00	
Back taxes.....	33 72	
Tax titles.....	854 32	
Assessors' fees.....	27 50	
Settlement of estates.....	3,493 74	283 18
Escheated estates.....	5,130 04	99 81
Audited State debt.....	56 41	
A. & M. College fund.....	6,468 00	
Blind Asylum land sales.....	1,551 34	
Deaf and Dumb Asylum land sales.....	3,314 91	
Municipal taxes.....	381 19	
Interest and sinking fund Galveston county bonds.....	12,929 95	
Interest and sinking fund Dallas city bonds...	119 80	
Interest and sinking fund Brazos county bonds.....	1,788 68	
Interest and sinking fund frontier bonds.....	2,407 18	264 00.
Interest and sinking fund Sherman city bonds..	1,028 63	
Interest and sinking fund Harrison county bonds.....	1 87	
Interest and sinking fund Walker county bonds.....	1,922 96	
Interest and sinking fund Tyler city bonds.....	76 98	
Interest and sinking fund McKinney county bonds.....	2,149 88	
Interest and sinking fund Anderson county bonds.....	14 80	
Totals.....	\$757,130 45	\$22,866 62
Less over-payment on Smith county bonds...	8 63	
Total cash in Treasury.....	\$757,121 82	\$22,866 62

ANDREW J. DORN, *Treasurer.*

It will be noticed that there is an accumulation of funds to the credit of the University Fund, arising from land sales, amounting, in currency, to \$106,046.64, and in specie, to \$4,648.18.

To the credit of the Agricultural and Mechanical College Fund, \$6,-
468.00.

To the credit of the Blind Asylum, from land sales, \$1,551.34.

To the credit of the Deaf and Dumb Asylum, resulting from land
sales, \$3,314.91.

These sums, together with such further amounts as may be received
from similar sources for the same purpose, we recommend to be invested
in State bonds, and the semi-annual interest collected by the State Board
of Education, and placed to the credit of the different accounts in pro-
portion to their interest in the same.

Among the securities examined (a list of which is hereby appended),
we find some which are of no value, and we therefore recommend that
they be blotted out, as they only encumber the reports, and have no
real value, to-wit:

Comptroller's certificates to the credit of "special loan tax." We
understand this amount to be the product of a loan tax levied during
the late war and paid in Treasury warrants, which, of course, are now
valueless.

We also found six per cent. State bonds to the amount of \$320,367 13,
which are designated as doubtful by the Comptroller. It appears that
these bonds were substituted for a similar amount of Treasury war-
rants received during the late war in payment of gold interest, and
sinking fund due the school fund by the railroad companies indebted
thereto.

The railroad companies have since been compelled to assume the
payment of this amount, with interest, in good and lawful money, and
we therefore recommend that these bonds be destroyed.

We further found the Comptroller's certificate for \$10,300.41, to the
credit of the university fund. It seems that this amount was received in
Treasury warrants during the late war in payment for university lands.
We would therefore recommend that this item either be blotted out, or
registered bonds of the State be issued for said amount, with interest,
and placed to the credit of the university fund.

Registered U. S. bonds, 5 per cent.....	\$357,550 00
Registered U. S. bonds, 6 per cent.....	107,500 00
Coupon U. S. bonds, 6 per cent.....	12,000 00

Total.....	\$477,050 00
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State of Texas 5 per cent. bonds.....	\$216,641 08
State of Texas 7 per cent. bonds.....	174,000 00

Total valid State bonds.....	390,641 08
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Brazos county 10 per cent. bonds.....	\$10,500 00
State of Texas 6 per cent. bonds, doubtful.....	320,367 13
Comptroller's certificates.....	79,409 50
Comptroller's certificates.....	10,300 41

H., T. & B. Railway bonds.....	\$300,000 00
H. & T. C. Railway.....	450,000 00
Texas & N. O. Railway.....	430,500 00
G., H. & S. A. Railway.....	420,000 00

Washington County Railway.....	66,000 00
Southern Pacific.....	150,000 00
	<hr/>
	\$1,816,000 00

We also find among the railroad bonds in the vaults of the Treasury, bonds of the Houston Tap and B. Railway to the amount of \$300,000.

This road was sold out by the State several years ago, and such amount as was received in purchase therefor paid into the Treasury.

The bonds above alluded to are, therefore, entirely worthless, and should not longer be permitted to encumber the books and reports.

If this amount be deducted from the list of railroad bonds, it will leave the amount \$1,516,500 of solvent bonds. We find, however, that the Comptroller is collecting interest and sinking fund on \$2,046,091 56, as the statement is made up to May 1, 1876.

This discrepancy between the actual bonds on hand, to-wit: solvent, \$1,516,500, and the actual amount drawing interest, \$2,046,091 56, is accounted for as follows:

By the act of the Legislature in 1870 the railroad companies of the State were compelled to assume the amount of interest due from them in gold, and which, during the war, they paid in Treasury warrants.

We, therefore, suggest that in lieu of the figures carried on both Comptroller and Treasurer's reports, viz.: \$1,753,317, they should both take up on their reports the true amount at interest, viz.: \$2,046,091 56, as follows:

H. & T. C. Railway.....	\$588,527 66
Washington County Railroad.....	92,971 88
Southern Pacific.....	198,877 04
Texas & N. O. Railroad.....	582,982 76
G., H. & S. A. Railroad.....	582,739 22
	<hr/>
	\$2,046,091 56

All of which is respectfully submitted. CARROLL, *Chairman*.

Senator Piner, Chairman Judiciary Committee No. 2, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was re-referred the substitutes for Senate Bills Nos. 73, 74 and 86, entitled, "An Act to define the duties of County Attorneys, and regulate the performance of the same," have had the same under consideration, and beg leave to report that they have examined the same, and respectfully recommend that the Senate concur in all the amendments recommended and adopted by the House of Representatives, except amendments Nos. 7, 8 and 9, and that the Senate do not concur in said last named amendments.

PINER, *Chairman*.

Adopted.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 5, "An Act to amend an act entitled, 'An Act

to establish a penal code for the State of Texas," approved August 28, 1856, and find the same correctly engrossed. STEPHENS, *Chairman*.

Senator Storey, by leave, introduced a bill, entitled: "An Act fixing the time for holding the terms of the District Court for the Seventeenth Judicial District, including the county of McCulloch."

Referred to Judiciary Committee No. 1.

On motion of Senator Carroll, the Senate adjourned till to-morrow morning at 9 o'clock.

FIFTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 21, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

Senator Henry, Chairman Committee on Public Claims and Accounts, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 212, "An Act for the relief of the Moran Brothers," have again considered the same, and again report the bill back to the Senate and recommend that it do not pass.

J. R. HENRY, *Chairman*.

Senator Crain, Chairmap of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committe on Engrossed Bills have carefully examined, read and compared Senate Bill No. 84, "An Act authorizing the County Courts to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor," and find the same correctly engrossed.

STEPHENS, *Chairman*.

Senator Crain, Chairman of the Committee on Stock and Stock Raising, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 223, "An Act to further regulate Stock Raising," have had the same under consideration, and report it back to the Senate, with the recommendation that it do pass, with the following amendment:

Strike out Section 15.

CRAIN, *Chairman*.

On motion of Senator Crain, the bill was made the special order for Friday next, at 10:30 A. M., and from day to day until disposed of.

Senator Smith, by leave, presented the petition of many citizens of Grimes county, "asking that the present fees of officers be not reduced, as they, as now fixed, are barely sufficient to afford a living to our pf-ficials, and that a reduction of the same will have the effect to place our different offices in the hands of unworthy and incompetent persons."

Referred to the Committee on Finance.

The President *pro tem.* took up House Joint Resolution No. 335, "To authorize the Governor to make such endorsement on registered United